

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2) TO SECURE THE BORDERS OF THE UNITED STATES, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1163) TO PROVIDE INCENTIVES FOR STATES TO RECOVER FRAUDULENTLY PAID FEDERAL AND STATE UNEMPLOYMENT COMPENSATION, AND FOR OTHER PURPOSES.

May 10, 2023.—Referred to the House Calendar and ordered to be printed.

MR. ROY, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2, the Secure the Border Act of 2023, under a closed rule. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides five hours of general debate with two hours equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security or their respective designees, two hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees, and one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs or their respective designees. The resolution provides for one motion to recommit. The resolution provides for consideration of H.R. 1163, the Protecting Taxpayers and Victims of Unemployment Fraud Act, under a closed rule. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed

in the bill, modified by the amendment printed in the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their respective designees. The resolution provides for one motion to recommit.

### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2 includes:

- Clause 12 of rule XXI, which prohibits consideration of a bill pursuant to a special order of business reported by the Committee on Rules that has not been reported by a committee. However, H.R. 2 is comprised of the text of H.R. 2640, as reported by the Committee on the Judiciary, H.R. 2794, as reported by the Committee on Homeland Security, and H.R. 1690, as reported by the Committee on Foreign Affairs.
- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation providing a change in revenue during a fiscal year until the budget resolution for that year has been agreed to.
- Section 425 of the Congressional Budget Act, which prohibits consideration of any legislation that that would increase the direct costs of Federal intergovernmental mandates beyond \$50,000,000 (adjusted for inflation) unless the legislation provides for new budget authority or the legislation appropriates sufficient funds to cover the new costs.

Although the resolution waives all points of order against provisions in H.R. 2, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1163 includes a waiver of clause 3(e) of rule XIII, which requires the inclusion of a comparative print for a bill or joint resolution proposing to repeal or amend a statute.

Although the resolution waives all points of order against provisions in H.R. 1163, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### Rules Committee Record Vote No. 46

Motion by Mr. McGovern to amend the rule to make in order the following amendments to H.R. 2: numbers 17, 41, and 44, offered by Representative Jackson Lee; number 13 offered by Representative Griffith; numbers 49, 50, and 51, offered by Representative Grothman; and numbers 8, 10, 33, 34, 35, and 48, offered by Representative Correa, as well as the following amendments to H.R. 1163: numbers 14, 18, 20, and 27, offered by

Representative Davis; numbers 36, 37, 38, and 39, offered by Representative Moore; and numbers 41, 42, and 43, offered by Representative Jackson Lee.  
Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Reschenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....	Yea
Mr. Massie.....		Ms. Leger Fernández.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		

#### Rules Committee Record Vote No. 47

Motion by Mr. McGovern to amend the rule to make in order amendment #6 to H.R. 2, offered by Representative Jayapal, which codifies the Uniting for Ukraine Program. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Reschenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....	Yea
Mr. Massie.....		Ms. Leger Fernández.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		

#### Rules Committee Record Vote No. 48

Motion by Ms. Scanlon make in order amendment #7 to H.R. 2, offered by Representative Scanlon, which allows unaccompanied minors under five years old to be eligible for asylum, whether or not they arrive at a port of entry. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Reschenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....	Yea
Mr. Massie.....		Ms. Leger Fernández.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		

#### Rules Committee Record Vote No. 49

Motion by Ms. Leger Fernández to amend the rule and make in order the following amendments to H.R. 2: numbers 8, 10, 33, 34, 35, and 48, offered by Representative Correa; numbers 55 and 56, offered by Representative Vasquez; number 47, offered by Representative Castro; number 4, offered by Representative Garcia; and number 65, offered by Representative Sorenson. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Reschenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....	Yea
Mr. Massie.....		Ms. Leger Fernández.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		

#### Rules Committee Record Vote No. 50

Motion by Ms. Leger Fernández to amend the rule to make in order amendment #5 to H.R. 2, offered by Representative Nadler, which strikes the E-Verify Title. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Nay	Mr. McGovern.....	Yea
Mr. Resenthaler.....	Nay	Ms. Scanlon.....	Yea
Mrs. Fischbach.....	Nay	Mr. Neguse.....	Yea
Mr. Massie.....		Ms. Leger Fernández.....	Yea
Mr. Norman.....	Nay		
Mr. Roy.....	Nay		
Mrs. Houchin.....	Nay		
Mr. Langworthy.....	Nay		
Mr. Cole, Chairman.....	Nay		

Rules Committee Record Vote No. 51

Motion by Mr. Roy to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Burgess.....	Yea	Mr. McGovern.....	Nay
Mr. Resenthaler.....	Yea	Ms. Scanlon.....	Nay
Mrs. Fischbach.....	Yea	Mr. Neguse.....	Nay
Mr. Massie.....	Yea	Ms. Leger Fernández.....	Nay
Mr. Norman.....	Yea		
Mr. Roy.....	Yea		
Mrs. Houchin.....	Yea		
Mr. Langworthy.....	Yea		
Mr. Cole, Chairman.....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 1163 CONSIDERED AS  
ADOPTED

1. Smith (MO): Ensures that state unemployment trust fund balances will be held harmless. If a state's unemployment trust fund balance goes below where it otherwise would have been absent this law, the amendment directs the Treasury Secretary, to use the offsets in the bill, subject to appropriations, to replace the funds in equal amounts so the state will not increase unemployment taxes.

TEXT OF AMENDMENT TO H.R. 1163 CONSIDERED AS ADOPTED

Page 16, after line 5, insert the following:  
**SEC. 8. STATE FUND CONTINGENCY.**

Subject to appropriations, the unobligated balance as of the day before the date of the enactment of this Act of amounts made available under section 2118 of the CARES Act (15 U.S.C. 9034) shall be transferred to the Secretary of the Treasury and periodically credited, on an as-needed basis, to the appropriate State account in the Unemployment Trust Fund established by section 904 of the Social Security Act (42 U.S.C. 1104) in an amount that replaces the amount deposited by a State in a State fund in accordance with subparagraph (H) or (I) of section 3304(a)(4) of the Internal Revenue Code of 1986 (as amended by section 3(a) of this Act) if the amount in such State account is less than the amount that would be in such State account if such subparagraphs had not been enacted.